



PATENT
Attny Dkt No.: 11032-3067

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MERRIMAN, Dwight A. et al.

Appl'n No.: 10/798,342

Filing Date: 12 March 2004

For: METHOD OF DELIVERY, TARGETING,
AND MEASURING ADVERTISING
OVER NETWORKS

Group Art Unit: 3627

Examiner: Laneau, Ronald

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97 & § 1.98**

Under the provisions of 37 C.F.R. § 1.97(b)(1), and in accordance with the Applicants' duty of disclosure under 37 C.F.R. § 1.56, Applicants would like to call to the Office's attention the references listed on the attached substitute form PTO-1449 and the information provided below.

Applicants note that since all of the listed references and below-referenced items were cited by or to the Office in an earlier application relied on for an earlier effective filing date under 35 U.S.C. § 120 (see CROSS-REFERENCE TO RELATED APPLICATIONS section of the specification), no copies are required to be furnished by Applicants under 37 C.F.R. § 1.98(d).

It is respectfully requested that the listed references and below-referenced items be expressly considered during the prosecution of this application, that the Examiner initial each listed reference and below-referenced item to evidence its consideration, and that the references and below-referenced items be made of record therein and appear among the "References Cited" section on any patent to issue therefrom.

Applicants also direct the Office's attention to the following related pending applications: U.S. Reissue Application No. 09/577,798 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed May 24, 2000, U.S. Application No. 09/094,949 entitled Method and Apparatus for Automatic Placement of Advertising, filed June 15, 1998, U.S. Application No. 10/082,069 entitled Network for Distribution of Re-Targeted Advertising, filed February 26, 2002, U.S. Application No. 10/254,923 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 26, 2002, U.S. Application No. 10/798,340 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004, U.S. Application No. 10/798,444 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004, and U.S. Application No. 10/937,341 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 10, 2004.

Applicants disclose for the Office's review, as discussed below, documents relating to a litigation (*DoubleClick, Inc. v. L90, Inc.*, 00 Civ. 2690, S.D.N.Y.) involving U.S. Patent No. 5,948,061 (the '061 patent), on which the above-mentioned reissue application is based. (DoubleClick brought suit against Sabella in a related action (*DoubleClick, Inc. v. Sabella Media, Inc.*, 99 Civ. 11718 (DLC), S.D.N.Y.) that was consolidated into the L90 action). The present application is a divisional of U.S. Patent Application No. 10/254,923, filed on September 26, 2002, temporarily held abandoned (awaiting decision on petition to withdraw holding of abandonment), which is a continuation of U.S. Patent Application No. 09/293,463, filed on April 15, 1999, now abandoned, which is a continuation of U.S. Application No. 08/738,634 (the '634 application), which issued into the '061 patent. DoubleClick, Inc., plaintiff in the above-referenced litigation, is the assignee of record of the '061 patent, the '634 application, the reissue application, the present application, and all above-mentioned related applications. Although the infringement and invalidity portions of the litigation had been stayed pending the outcome of the reissue application, the litigation moved forward on the sole issue of alleged inequitable conduct before settling on November 29, 2000.

In an effort to alleviate the Office's burden of reviewing the litigation documents, Applicants have set forth below the general issues that surfaced in the litigation, and offer some direction through the disclosed documents. As a side note, Applicants have disclosed the

documents that seem useful for the Office to assess the patentability of the present invention. If the Office wishes to obtain and review additional litigation documents for that purpose, the Office is invited to make that request of Applicants.

The following general issues surfaced in the litigation:

1. Whether an offer to sell or commercial sale of the invention of the '061 patent to a company named Attachmate occurred more than one year before the filing date of the '634 application under 35 U.S.C. § 102(b);
2. Whether the SmartBanner ad serving technology of a company named FocaLink constituted a public use or publication of the invention of the '061 patent more than one year prior to the filing date of the '634 application under 35 U.S.C. § 102(b); and
3. Whether a public use of the invention of the '061 patent between the inventors and a company named ISS occurred more than one year before the filing date of the '634 application under 35 U.S.C. § 102(b).

Attached to this statement as Exhibits 1 and 2 are copies of the 37 C.F.R. § 1.132 declarations of inventors Dwight Merriman and Kevin O'Connor which were filed on April 4, 2001 in the reissue application. In addition to the litigation documents listed in the Appendix, the following pre-trial motions and orders from the litigation have been disclosed to the Office:

- Plaintiff DoubleClick's Pre-Trial Memorandum of Law
 - Defendant L90's Opposition to Plaintiff DoubleClick's Pre-Trial Memorandum of Law
- Defendant L90's Pretrial Memorandum of Law
 - Plaintiff DoubleClick's Memorandum of Law Submitted in Response to Defendant L90's Pre-Trial Memorandum of Law
- Plaintiff DoubleClick's Proposed Findings of Fact and Conclusions of Law
- Defendant L90's Proposed Findings of Fact and Conclusions of Law
- Joint Pretrial Order
- Stipulations of Dismissal (L90 and Sabela)

In the litigation, Plaintiff submitted 30 trial exhibits and Defendant submitted 312 trial exhibits. To minimize the Office's burden, Applicants have furnished the subset of trial exhibits that are referenced in the disclosed pre-trial motions and orders. These exhibits include:

- Plaintiff's Exhibits: 8, 11, 13, 14, 16, 23, 29, 30
- Defendant's Exhibits: 2, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 44, 45, 48, 49, 50, 56, 57, 58, 59, 61, 63, 64, 66, 67, 68, 69, 70, 71, 76, 77, 80, 89, 90, 91, 93, 96, 97, 98, 99, 101, 106, 111, 113, 114, 115, 118, 193, 194, 215, 216, 217, 223, 226, 231, 248, 296, 298, 301, 310, 311, 312

Of the 17 deposition transcripts and 11 trial declarations from the litigation, the following deposition transcripts and trial declarations have been disclosed to the Patent Office:

Name	Context
DEPOSITION TRANSCRIPTS	
Dwight Merriman	co-inventor of the '634 application
Kevin O'Connor	co-inventor of the '634 application
Chris Buckingham	Attachmate executive (relates to issue no. 1)
Thomas Noonan	Principal of ISS (relates to issue no. 3)
Ron Kovas	CEO of FocaLink (relates to issue no. 2)
David Zinman	Founder of FocaLink (relates to issue no. 2)
Christian Knott	DoubleClick's technical expert
Hari Balakrishnan	L90's technical expert
Thomas E. Wharton	CTO of Poppe Tyson (requested by Examiner in appl'n 10/254,923)
TRIAL DECLARATIONS	
Dwight Merriman	Direct (Trial) Testimony
Kevin O'Connor	Direct (Trial) Testimony
Christian Knott	Expert Report
Hari Balakrishnan	Expert Report
Hari Balakrishnan	Direct Trial Testimony


As this statement is being filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of an action that closes prosecution in the application, the Office is authorized to charge the 37 C.F.R. § 1.17(p) fee of \$180.00 to Deposit Account No. 11-0600. A copy of this page is provided for this purpose.

Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: January 13, 2005


Bradley J. Meier
(Reg. No. 44,236)

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220 - 4200 (telephone)
(202) 220 - 4201 (facsimile)

APPENDIX

SUMMONS IN A CIVIL CASE, DoubleClick Inc. v. L90, Inc., Case Number 2:99-1914,
District of Virginia;

COMPLAINT FOR PATENT INFRINGEMENT, DoubleClick Inc. v. L90, Inc., Case
Number 2:99-1914, District of Virginia, dated November 12, 1999;

SUMMONS IN A CIVIL CASE, DoubleClick Inc. v. Sabela Media, Inc., 99 CIV. 1178,
Southern District of New York;

COMPLAINT AND JURY DEMAND, DoubleClick Inc. v. Sabela media, Inc., 99 CIV.
1178, Southern District of New York, dated December 3, 1999;

ANSWER AND COUNTERCLAIM OF DEFENDANT L90, INC.; dated January 4,
2000;

DEFENDANT L90, INC.'S ANSWERS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES, dated January 18, 2000;

PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT L90'S ANSWER AND
COUNTERCLAIM, dated January 18, 2000;

PLAINTIFF DOUBLECLICK, INC.'S OBJECTIONS AND RESPONSES TO
DEFENDANT L90, INC.'S FIRST SET OF INTERROGATORIES (1-21), dated January 24,
2000, with Exhibits A and B;

PLAINTIFF DOUBLECLICK, INC.'S RESPONSES AND OBJECTIONS TO
DEFENDANT L90'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, dated
January 24, 2000;

ANSWER AND COUNTERCLAIM OF SABELA MEDIA, INC., dated January 28,
2000;

SABELA'S OBJECTIONS AND RESPONSES TO DOUBLECLICK'S FIRST SET OF
INTERROGATORIES TO DEFENDANT, dated February 1, 2000;

DEFENDANT L90, INC.'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES, dated February 9, 2000;

PLAINTIFF DOUBLECLICK INC.'S RESPONSES TO DEFENDANT SABELA
INC.'S FIRST SET OF INTERROGATORIES, dated March 2, 2000;

PLAINTIFF DOUBLECLICK'S RESPONSES AND OBJECTIONS TO SABELA'S
FIRST REQUEST FOR DOCUMENTS AND THINGS, dated March 2, 2000;

PLAINTIFF DOUBLECLICK INC.'S CLAIM CHART, dated March 17, 2000;

SABELA'S CLAIM CONSTRUCTION CHART, dated April 14, 2000;

FIRST AMENDED ANSWER AND COUNTERCLAIM OF DEFENDANT L90, INC.,
dated May 12, 2000;

DEFENDANT L90 INC.'S CLAIM CONSTRUCTION CHART, dated May 12, 2000;

AMENDED ANSWER AND COUNTERCLAIMS OF SABELA MEDIA, INC., dated
May 17, 2000;

NOTICE OF MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated May 26, 2000, with accompanying DECLARATION OF CHARLES L. KERR IN SUPPORT OF PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT OFFICE, date May 26, 2000, with Exhibits A-C;

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated May 26, 2000;

DECLARATION OF JOHN M. CALLAGHAN IN SUPPORT OF DEFENDANT L90'S MOTION TO STAY, dated June 10, 2000, with Exhibits A-H attached;

DEFENDANT L90, INC.'S OPPOSITION TO PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 12, 2000, with Exhibits A-D;

MEMORANDUM IN PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 12, 2000;

DECLARATION OF JAMES S. BLANK, date June 12, 2000, with Exhibits 1-12;

PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT L90'S FIRST AMENDED ANSWER AND COUNTERCLAIM, dated June 15, 2000;

PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT SABELA MEDIA
INC.'S FIRST AMENDED ANSWER AND COUNTERCLAIM, dated June 15, 2000;

REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF PLAINTIFF
DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS
BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 19, 2000;

ORDER of Judge Cote, Southern District of New York, granting a partial stay pending
completion of reissuance proceedings, dated July 24, 2000.



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Modified PTO/SB/08A (08-00)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 18

Complete if Known

Application Number	10/798,342
Filing Date	12 March 2004
First Named Inventor	Dwight Allen MERRIMAN
Group Art Unit	3627
Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		4,602,279		FREEMAN	07-22-1986	
		4,703,423		BADO et al.	10-27-1987	
		4,775,935		YOURICK	10-04-1988	
		4,789,235		BORAH et al.	12-06-1988	
		4,850,007		MARINO et al.	07-18-1989	
		4,870,579		HEY	09-26-1989	
		4,996,642		HEY	02-26-1991	
		5,027,400		BAJI et al.	06-25-1991	
		5,099,422		FORESMAN et al.	03-24-1992	
		5,105,184		PIRANI et al.	04-14-1992	
		5,155,591		WACHOB	10-13-1992	
		5,166,866		KIM et al.	11-24-1992	
		5,191,410		MCCALLEY et al.	03-02-1993	
		5,220,501		LAWLOR et al.	06-15-1993	
		5,253,341		ROZMANITH et al.	10-12-1993	
		5,260,778		KAUFFMAN et al.	11-09-1993	
		5,261,094		EVERSON et al.	11-09-1993	
		5,283,731		LALONDE et al.	02-01-1994	
		5,305,195		MURPHY	04-19-1994	
		5,347,632		FILEPP et al.	09-13-1994	
		5,355,327		STENT et al.	10-11-1994	
		5,361,393		ROSSILLO	11-01-1994	
		5,377,354		SCANNELL et al.	12-27-1994	
		5,412,416		NEMIROFSKY	05-02-1995	
		5,442,771		FILEPP et al.	08-15-1995	
		5,446,891		KAPLAN et al.	08-29-1995	
		5,446,919		WILKINS	08-29-1995	
		5,448,625		LEDERMAN	09-05-1995	
		5,459,656		FIELDS et al.	10-17-1995	
		5,469,206		STRUBBE et al.	11-21-1995	
		5,475,819		MILLER et al.	12-12-1995	
		5,477,451		BROWN et al.	12-19-1995	
		5,499,046		SCHILLER et al.	03-12-1996	
		5,504,744		ADAMS et al.	04-02-1996	
		5,504,894		FERGUSON et al.	04-02-1996	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RL/

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(use as many sheets as necessary)

Sheet **2** of **18**

Complete if Known

Application Number	10/798,342
Filing Date	12 March 2004
First Named Inventor	Dwight Allen MERRIMAN
Group Art Unit	3627
Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

	5,515,098	CARLES	05-07-1996
	5,515,270	WEINBLATT	05-07-1996
	5,537,542	EILERT et al.	07-16-1996
	5,550,746	JACOBS	08-27-1996
	5,559,548	DAVIS et al.	09-24-1996
	5,566,353	CHO et al.	10-15-1996
	5,568,612	BARRETT et al.	10-22-1996
	5,584,025	KEITHLEY et al.	12-10-1996
	5,594,910	FILEPP et al.	01-14-1997
	5,598,536	SLAUGHTER, III et al.	01-28-1997
	5,600,364	HENDRICKS et al.	02-04-1997
	5,621,812	DEATON et al.	04-15-1997
	5,636,346	SAXE	06-03-1997
	5,638,457	DEATON et al.	06-10-1997
	5,649,114	DEATON et al.	07-15-1997
	5,675,662	DEATON et al.	10-07-1997
	5,692,132	HOGAN	11-25-1997
	5,704,017	HECKERMAN et al.	12-30-1997
	5,704,018	HECKERMAN et al.	12-30-1997
	5,708,780	LEVERGOOD et al.	01-13-1998
	5,710,887	CHELLIAH et al.	01-20-1998
	5,712,979	GRABER et al.	01-27-1998
	5,717,860	GRABER et al.	02-10-1998
	5,717,923	DEDRICK	02-10-1998
	5,721,827	LOGAN et al.	02-24-1998
	5,724,424	GIFFORD	03-03-1998
	5,724,521	DEDRICK	03-03-1998
	5,727,156	HERR-HOYMAN et al.	03-10-1998
	5,734,720	SALGANICOFF	03-31-1998
	5,734,828	PENDSE et al.	03-31-1998
	5,737,619	JUDSON	04-07-1998
	5,740,252	MINOR et al.	04-14-1998
	5,745,681	LEVINE et al.	04-28-1998
	5,751,956	KIRSCH	05-12-1998
	5,752,022	CHIU et al.	05-12-1998
	5,754,772	LEAF	05-19-1998
	5,754,938	HERZ et al.	05-19-1998
	5,754,939	HERZ et al.	05-19-1998
	5,757,917	ROSE et al.	05-26-1998

Examiner
Signature

Date
Considered

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Filing Date	12 March 2004
First Named Inventor	Dwight Allen MERRIMAN
Group Art Unit	3627
Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

	5,761,601	NEMIROFSKY et al.	06-02-1998
	5,768,521	DEDRICK	06-16-1998
	5,774,170	HITE et al.	06-30-1998
	5,778,367	WESINGER, JR. et al.	07-07-1998
	5,781,894	PETRECCA et al.	07-14-1998
	5,787,253	MCCREERY et al.	07-28-1998
	5,790,426	ROBINSON	08-04-1998
	5,790,935	PAYTON	08-04-1998
	5,794,210	GOLDHABER et al.	08-11-1998
	5,796,945	TARABELLA	08-18-1998
	5,796,952	DAVIS et al.	08-18-1998
	5,809,242	SHAW et al.	09-15-1998
	5,812,769	GRABER et al.	09-22-1998
	5,812,776	GIFFORD	09-22-1998
	5,815,148	TANAKA	09-29-1998
	5,819,285	DAMICO et al.	10-06-1998
	5,838,790	MCAULIFFE et al.	11-17-1998
	5,842,199	MILLER et al.	11-24-1998
	5,848,396	GERACE	12-08-1998
	5,848,397	MARSH et al.	12-08-1998
	5,855,008	GOLDHABER et al.	12-29-1998
	5,870,724	LAWLOR et al.	02-09-1999
	5,873,068	BEAUMONT et al.	02-16-1999
	5,893,075	PLAINFIELD et al.	04-06-1999
	5,913,040	RAKAVY et al.	06-15-1999
	5,918,014	ROBINSON	06-29-1999
	5,933,811	ANGLES et al.	08-03-1999
	5,933,827	COLE et al.	08-03-1999
	5,937,392	ALBERTS	08-10-1999
	5,946,646	SCHEMA et al.	08-31-1999
	5,948,061	MERRIMAN et al.	09-07-1999
	5,950,173	PERKOWSKI	09-07-1999
	5,956,024	STRICKLAND et al.	09-21-1999
	5,960,429	PEERCY et al.	09-28-1999
	5,990,927	HENDRICKS et al.	11-23-1999
	5,999,912	WODARZ et al.	12-07-1999
	6,005,566	JONES et al.	12-21-1999
	6,005,567	NIELSEN	12-21-1999
	6,006,252	WOLFE	12-21-1999

Examiner
Signature

Date
Considered

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				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
				Attorney Docket Number	11032-3067
Sheet	4	of	18		

		6,016,509		DEDRICK	01-18-2000	
		6,020,887		LORING et al.	02-01-2000	
		6,026,368		BROWN et al.	02-15-2000	
		6,029,195		HERZ	02-22-2000	
		6,049,777		SHEENA et al.	04-11-2000	
		6,049,878		CARONNI et al.	04-11-2000	
		6,052,554		HENDRICKS et al.	04-18-2000	
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		6,119,101		PECKOVER	09-12-2000	
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Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet **5** of **18**

Complete if Known

Application Number	10/798,342
Filing Date	12 March 2004
First Named Inventor	Dwight Allen MERRIMAN
Group Art Unit	3627
Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/798,342
				Filing Date	12 March 2004
				First Named Inventor	Dwight Allen MERRIMAN
				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
				Attorney Docket Number	11032-3067
Sheet	6	of	18		

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		Filing Date	12 March 2004
		First Named Inventor	Dwight Allen MERRIMAN
		Group Art Unit	3627
		Examiner Name	Laneau, Ronald
Sheet 7 of 18	Attorney Docket Number	11032-3067	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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Sheet 8 of 18

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Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 9 of 18

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Application Number	10/798,342
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First Named Inventor	Dwight Allen MERRIMAN
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Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

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Group Art Unit	3627				
Examiner Name	Laneau, Ronald				
Attorney Docket Number	11032-3067				

Sheet	10	of	18
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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		LinkMarket Business Plan; David Zinman et al.; SD005545-SD005569	
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Sheet	11	of	18	Attorney Docket Number
				11032-3067

		"Web Site Links:..."; Electronic Marketplace Report, No. 16, Vol. 9; August 22, 1995; SD005611-SD005613	
		"INTERACTIVE MEDIA & MARKETING..."; Advertising Age; December 11, 1995; SD005614-SD005615	
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		LinkMarket; David Zinman et al.; Z00028-Z00030 / SD027099-SD027101	
		LinkMarket; David Zinman et al.; Z00031-Z00032 / SD027102-SD027103	
		LinkMarket; David Zinman et al.; Z00033-Z00056 / SD027104-SD027127	

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
	Application Number	10/798,342		
	Filing Date	12 March 2004		
	First Named Inventor	Dwight Allen MERRIMAN		
	Group Art Unit	3627		
	Examiner Name	Laneau, Ronald		
Sheet	12	of	18	Attorney Docket Number
				11032-3067

		FocalLink Media Services, Inc.; David Zinman et al.; August 2, 1995; Z00057-Z00070 / SD027128-SD027141	
		Saturn Banner Ad Placement; August 25, 1995; Z00071 / SD027142	
		SPONSORABLE SITE – RIDDLE DU JOUR; August 26, 1995; Z00072-Z00074 / SD027143-SD027145	
		Saturn Banner Ad Placement; August 27, 1995; Z00075 / SD027146	
		FocaLink Technology; August 30, 1995; Z00076-Z00077 / SD027147-SD027148	
		Question for you; September 7, 1995; Z00078-Z00079 / SD027149-SD027150	
		Information Request; September 12, 1995; Z00080 / SD027151	
		Update and Miscellaneous; September 22, 1995; Z00081-Z00083 / SD027152-SD027154	
		FocalLink: request for ISN ad traffic data (fwd); September 26, 1995; Z00084-Z00085 / SD027155-SD027156	
		Saturn Ad Placements; September 28, 1995; David Zinman; Z00086 / SD027157	
		RE> Saturn Ad Placements; September 29, 1995; Adam@utne.co; Z00087 / SD027158	
		RE: Advertising Update; October 3, 1995; Eric Ver Ploeg; Z00088-Z00089 / SD027159-SD027160	
		RE>>Saturn Ad Placements; September 29, 1995; wigley@utne.com; Z00090 / SD027161	
		Re: Test Parameters (fwd); October 23, 1995; Jason Strober; Z00091-Z00092 / SD027162-SD027163	
		Re: Rest Parameters; October 23, 1995; Jason Strober; Z00093-Z00094 / SD027164-SD027165	
		Proposal (fwd); October 23, 1995; Jason Strober; Z00095-Z00096 / SD027166-SD027167	
		Advertising advisory board; October 25, 1995; David Zinman; Z00097-Z00099 / SD027168-SD027170	

Examiner Signature		Date Considered	
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				Filing Date	12 March 2004
				First Named Inventor	Dwight Allen MERRIMAN
				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
Sheet	13	of	18	Attorney Docket Number	11032-3067

		Contact at Netcom; October 26, 1995; David Zinman; Z00100 / SD027171	
		CMP Technical Contact; October 30, 1995; Jason Strober; Z00104 / SD027172	
		from ad age today...; October 30, 1995; Karen Johnson; Z00105-Z00106 / SD027173-SD027174	
		We need to get on this; October 31, 1995; David Zinman; Z00107 / SD027175	
		Web site pricing draft; November 7, 1995; Jason Strober; Z00108 / SD027176	
		Heads up...(fwd); November 8, 1995; David Zinman; Z00109-Z00110 / SD027177-SD027178	
		Proposal to Intel; November 13, 1995; Jason Strober; Z00111-Z00114 / SD027179-SD027182	
		FocaLink white paper; November 13, 1995; Jason Strober; Z00115-Z00116 / SD027183-SD027184	
		FocaLink Media Services; November 14, 1995; David Zinman; Z00117-Z00119 / SD027185-SD027187	
		I/Traffic & Dave Carlick; November 14, 1995; David Zinman; Z00120 / SD027188	
		FocaLink white paper; November 15, 1995; David Zinman; Z00121-Z00123 / SD027189-SD027191	
		Re: FocaLink Meeting (fwd); Nov. 20, 1995; Karen Johnson; Z00124-Z00125 / SD027192-SD027193	
		Microsoft ads through FocaLink; November 21, 1995; Jason Strober; Z00126 / SD027194	
		Re: Who's in and who's out (fwd); Nov. 21, 1995; Jason Strober; Z00127-Z00128 / SD027195-SD027196	
		Intel update (fwd); Nov. 23, 1995; Jason Strober; Z00129-Z00130 / SD027197-SD027198	
		Saturn reports; Dec. 5, 1995; Jennifer Ratner; Z00134-Z00140 / SD027199-SD027205	
		November Report; Dec. 5, 1995; Jennifer Ratner; Z00141-Z00146 / SD027206-SD027211	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/798,342
				Filing Date	12 March 2004
				First Named Inventor	Dwight Allen MERRIMAN
				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
Sheet	14	of	18	Attorney Docket Number	11032-3067

		FocaLink Media Services; Dec. 6, 1995; David Zinman; Z00147 / SD027212	
		FocaLink Media Services; Dec. 6, 1995; David Zinman; Z00148 / SD027213	
		FocaLink Media Services; December 6, 1995; David Zinman; Z00149 / SD027214	
		FocaLink for the Layman; December 6, 1995; David Zinman; Z00150 / SD027215	
		Microtargeting; December 7, 1995; David Zinman; Z00151 / SD027216	
		Info on FocaLink Media Services; December 11, 1995; David Zinman; Z00152-Z00154 / SD027217-SD027219	
		FocaLink Media Services; December 11, 1995; David Zinman; Z00155-Z00156 / SD027220-SD027221	
		Catch-up time; December 11, 1995; David Zinman; Z00157 / SD027222	
		Info on FocaLink; December 13, 1995; David Zinman; Z00158-Z00160 / SD027223-SD027225	
		Intel Ad on Dilbert Site; December 13, 1995; David Zinman; Z00161 / SD027226	
		Re: Intel Ad on Dilbert Site; December 13, 1995; David Zinman; Z00162 / SD027227	
		FocaLink Beta Test on SmartBanner; Dec. 14, 1995; David Zinman; Z00163 / SD027228	
		I/Pro Mtg Today; December 19, 1995; David Zinman; Z00164 / SD027229	
		Eric Smith Quote (fwd); January 10, 1996; David Zinman; Z00165 / SD027230	
		FocaLink Communications, Inc.; January 10, 1996; David Zinman; Z00166 / SD027231	
		Re: Advertisers for wyp.net; January 12, 1996; David Zinman; Z00167 / SD027232	
		Quote for Press Release; January 15, 1996; David Zinman; Z00168 / SD027233	

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				Application Number	10/798,342
				Filing Date	12 March 2004
				First Named Inventor	Dwight Allen MERRIMAN
				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
Sheet	15	of	18	Attorney Docket Number	11032-3067

		Re: Quote for Press Release; January 16, 1996; "thomas mark"; Z00169 / SD027234	
		Re: Quote for Press Release (fwd); January 16, 1996; David Zinman; Z00170-Z00171 / SD027235-SD027236	
		RE> **Ad Placement Notific; January 19, 1996; Dan_Stoller@anlsf.com; Z00172-Z00173 / SD027237-SD027238	
		Invitation; January 25, 1996; wilkins@eit.com; Z00174 / SD027239	
		Focalink; January 25, 1996; David Zinman; Z00175 / SD027240	
		SmartBanner Reports; January 25, 1996; David Zinman; Z00176 / SD027241	
		RE: Focalink; January 26, 1996; Rick Vorhaus; Z00177 / SD027242	
		Comments; January 29, 1996; David Zinman; Z00178-Z00182 / SD027243-SD027247	
		Poppe Tyson/Internet Advertising Network Alliance; February 26, 1996; Ron Kovas; Z00183 / SD27248	
		fyi; February 5, 1996; "Roger Follis"; Z00184-Z00185 / SD027249-SD027250	
		Focalink Communications; February 5, 1996; David Zinman; Z00186-Z00188 / SD027251-SD027253	
		Microsoft Update; February 5, 1996; Margaret Bond; Z00189 / SD027254	
		Focalink Communications; February 6, 1996; David Zinman; Z00190-Z00192 / SD027255-SD027257	
		Focalink Communications; February 6, 1996; David Zinman; Z00193-Z00195 / SD027258-SD027260	
		Focalink Communications; February 6, 1996; David Zinman; Z00196-Z00198 / SD027261-SD027263	
		[Fwd: Re: DoubleClick and IAN]; February 6, 1996; Jason Strober; Z00199 / SD027264	
		Focalink Communications; February 6, 1996; David Zinman; Z00200-Z00202 / SD027265-SD027267	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 16 of 18

Complete if Known

Application Number	10/798,342
Filing Date	12 March 2004
First Named Inventor	Dwight Allen MERRIMAN
Group Art Unit	3627
Examiner Name	Laneau, Ronald
Attorney Docket Number	11032-3067

		Test With Focalink; February 7, 1996; David Zinman; Z00203 / SD027268	
		Urgent – Microsoft Ad Placement; February 7, 1996; David Zinman; Z00204 / SD027269	
		Test for Microsoft Banner; February 8, 1996; Joel Bassuk; Z00205 / SD027270	
		ZDNet Test; Margaret Bond; February 8, 1996; Z00206 / SD027271	
		URLs; February 8, 1996; Dan Stoller; Z00207-Z00208 / SD027272-SD027273	
		HeadsUp 02-09-96 (20 stories)<CD58M010>; February 9, 1996; An Information Service of Individual Inc.; Z00209-Z00212 / SD027274-SD027277	
		Focalink Communications; February 13, 1996; David Zinman; Z00213 / SD027278	
		Targeting; February 13, 1996; Michael Wang; Z00214 / SD027279	
		Re: Cookies!; February 15, 1996; David Zinman; Z00215 / SD027280	
		Focalink; February 22, 1996; Jason Strober; Z00216 / SD027281	
		Focalink/Microsoft I.E.; February 23, 1996; Margee Bond; Z00217-Z00218 / SD027282-SD027283	
		Cookies; March 6, 1996; David Zinman; Z00219 / SD027284	
		Did I send this 2x; April 3, 1996; Z00220-Z00222 / SD027285-SD027287	
		Answer to your request; April 8, 1996; Z00223 / SD027288	
		Site Letter; April 10, 1996; Z00224-Z00225 / SD027289-SD027290	
		Oracle and Intel; April 12, 1996; Z00226 / SD027291	
		Doubleclick; April 16, 1996; Z00227 / SD027292	

Examiner
Signature

Date
Considered

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				Filing Date	12 March 2004
				First Named Inventor	Dwight Allen MERRIMAN
				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
Sheet	17	of	18	Attorney Docket Number	11032-3067

		Open Market Licenses With NetGravity; May 6, 1996; Z00228 / SD027293	
		Fact check; May 12, 1996; Z00229 / SD027294	
		IDG; May 17, 1996; Z00230-Z00231 / SD027295-SD027296	
		Daily Spectrum; May 20, 1996; Z00232-Z00242 / SD027297-SD027307	
		Fact check; May 20, 1996; Z00243 / SD027308	
		Cookie FAQ; May 21, 1996; Z00244 / SD027309	
		Focalink Communications; May 21, 1996; Z00245-Z00246 / SD027310-SD027311	
		Network World Fusion; May 22, 1996; Z00247 / SD027312	
		Looming issue; July 13, 1996; Z00248-Z00249 / SD027313-SD027314	
		Cookies & privacy ? / German Press; July 15, 1996; Z00250 / SD027315	
		Cookies & privacy ? / German Press; July 16, 1996; Z00251 / SD027316	
		DoubleClick; September 5, 1996; Z00252-Z00253 / SD027317-SD027318	
		Infoseek Business Terms; September 7, 1996; Z00254-Z00256 / SD027319-SD027321	
		SmartBanner ads on HotWired; September 11, 1996; Z00257 / SD027322	
		Statement of Work; September 23, 1996; Z00258-Z00259 / SD027323-SD027324	
		NetGravity Releases Adserver 2.0; October 21, 1996; Z00260-Z00263 / SD027325-SD027328	
		"FOCALINK"; DC004278A	

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				First Named Inventor	Dwight Allen MERRIMAN
				Group Art Unit	3627
				Examiner Name	Laneau, Ronald
Sheet	18	of	18	Attorney Docket Number	11032-3067

		"FocaLink Services"; FocaLink Media Services, Inc.; DC004278B-DC004278C	
		"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278D-DC004278CC	
		"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278DD-DC004278XX	
		"Link Marketing"; handwritten page; MA0001	
		"Link Marketing"; LinkMarket; MA0002-MA0007	
		"LinkMarket"; David Zinman et al.; MA0008-MA0027	
		"Link Marketing, LLP"; MA0028-MA0029	
		"Link Marketing LLP"; MA0030-MA0038	
		"Escapes"; Web page; MA0039-MA0040	
		"Industry Overview"; FocaLink Media Services, Inc.; MA0041-MA0053	
		"Executive Summary"; Focalink Communications Confidential"; printed 7/30/97; MA0054-MA0109	
		"FOCALINK COMMUNICATIONS"; February 1996; MA0110-MA0149	

Examiner Signature	/Ronald Laneau/	Date Considered	02/25/2008
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